# UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re:

PHILIP A. GOLDSTEIN and SHARON A. GOLDSTEIN

\* Debtor(s)

Case Number: 5-15-05272

Chapter:

### **CERTIFICATE OF MAILING**

The undersigned employee in the office of:

Tullio DeLuca, Esquire

hereby certifies that a copy of the attached Notice and Debtors 3<sup>rd</sup> Amended Chapter 13 Plan was mailed today to all parties named on the mailing list attached hereto by regular first class mail.

DATED: June 24, 2022

SIGNED:

TITLE: <u>/s/Legal Assistant</u>

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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IN RE: : CHAPTER 13

PHILIP A. GOLDSTEIN and SHARON A. GOLDSTEIN

:

Debtor(s) : CASE NO. 5-15-05272

### NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to Local Rule 2002-1(a), the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection/response on or before **July 15, 2022.** If you object to the relief requested, you must file your objection/response with the Clerk of Court and serve a copy on the movant and movant's attorney, if one is designated.

If you file an serve an objection/response within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

#### Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court 274 Max Rosenn U.S. Courthouse 197 South Main Street Wilkes-Barre, PA 18701 570-831-2500

Hours Open: Monday - Friday 9:00 AM to 4:00 PM

DATE: June 24, 2022 Tullio DeLuca, Esquire

PA ID# 59887

Attorney for Debtors/Movants

Desc

381 N. 9<sup>th</sup> Avenue Scranton, PA 18504

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	CHAPTER 13
PHILIP A. GOLDSTEIN and SHARON A. GOLDSTEIN	CASE NO. 5-15-05272
	ORIGINAL PLAN    x 3 <sup>rd</sup> AMENDED PLAN (Indicate 1 <sup>ST</sup> , 2 <sup>ND</sup> ,   3 <sup>RD</sup> , etc)    Wumber of Motions to Avoid Liens   Number of Motions to Value Collateral

#### **CHAPTER 13 PLAN**

#### **NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the Plan.

1	The plan contains nonstandard provisions, set out in §9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania.	*	Included		Not Included
2	The plan contains a limit on the amount of a secured claim, set out in §2.E, which may result in a partial payment or no payment at all to the secured creditor.		Not Included	*	Not Included
3	The plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in §2.G		Included	*	Not Included

#### YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the Plan.

#### 1. PLAN FUNDING AND LENGTH OF PLAN.

#### A. Plan Payments From Future Income

1. To date, the Debtor paid \$220,798.82 (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$228,039.82, plus other payments and property stated in §1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
01/2016	06/2022	\$	\$0.00	\$	\$220,798.82
07/2022	08/2022	\$3,620.50	\$0.00	\$3,620.50	\$ 7,241.00
				Total Payments:	\$228,039.82

- 2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.
- 3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.
  - 4. CHECK ONE:
- () Debtor is at or under median income. If this line is checked, the rest of §1.A.4 need not be completed or reproduced.
- ( X) Debtor is over median income. Debtor estimates that a minimum of  $\S 0.00$  must be paid to allowed unsecured creditors in order to comply with the Means Test.

#### B. Additional Plan Funding From Liquidation of Assets/Other

The Debtor estimates that the liquidation value of this estate is \$0.00. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

Check one of the following two lines.

X No assets will be liquidated. If this line is checked, the rest of §1.B need not be completed or reproduced.

	Certain assets wil	l be liquidated as follows:		
2.	In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of 0.00 from the sale of property known and designated as . All sales shall be completed by . If the property does not sell by the date specified, then the disposition of the property shall be as follows:			
3.	Other payments f Trustee as follow	rom any source(s) (describe spec s:	TO 10	
	Non exempt proc	eeds from uninsured claim.		
SECU	RED CLAIMS.			
A.	Pre-Confirmation Distributions. Check one.			
<u>X</u>	None. If "None" is checked, the rest of §2.A need not be completed or reproduced.			
	Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.			
Name	of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment	
1.	The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must			

2.

- include any applicable late charges.
- 2. If a mortgagee files a notice pursuant to Fed. R. Bankr.P.3002.1(b), the change in the conduit payment to the Trustee will not require modification of this Plan.
- Mortgages (Including Claims Secured by Debtor's Principal Residence) and B. Other Direct Payments by Debtor. Check One.
- None. If "None" is checked, the rest of §2.B need not be completed or reproduced.

X Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Shellpoint	626 Carnation Drive Clarks Summit, PA 18411	1015
PNC Bank	626 Carnation Drive Clarks Summit, PA 18411	

C.	Arrears (Including, but not limited to, claims secured by Debtor's principal
	residence). Check one.

 None. If "None" is checked, the rest of §2.C need not be completed of	r
reproduced.	

<u>X</u>	The Trustee shall distribute to each creditor set forth below the amount of
	arrearages in the allowed claim. If post-petition arrears are not itemized in an
	allowed claim, they shall be paid in the amount stated below. Unless otherwise
	ordered, if relief from the automatic stay is granted as to any collateral listed in
	this section, all payments to the creditor as to that collateral shall cease, and the
	claim will no longer be provided for under §1322(b)(5) of the Bankruptcy Code.

Name of Creditor	Description of Collateral	Estimated Pre- Petition Arrears to be Cured	Estimated Post- Petition Arrears to be Cured	Estimated Total to be paid in plan

# D. Other secured claims (conduit payments and claims for which a §506 valuation is not applicable, etc.)

 None. If "None" is checked, the rest of §2.D need not be completed or
reproduced.

X The claims below are secured claims for which a § 506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition date and secured by a purchase money security interest in a

motor vehicle acquired for the personal use of the Debtor, or (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided elsewhere.

- 1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code.
- 2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
- 3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan
Internal Revenue Service	626 Carnation Drive Clarks Summit, PA 18411	\$167,330.92	3% \$13,072.08	\$180,403.00

## E. <u>Secured claims for which §506 valuation is applicable.</u> Check one.

- X None. If "None" is checked, the rest of §2.E need not be completed or reproduced.
- Claims listed in the subsection are debts secured by property not described in §2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary action or other action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be

determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee tat the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan, Adversary or Other Action

			Principal)			Action
	F. Sur	render of Colla	teral. Check one			
		None. If "None reproduced.	" is checked, the I	rest of §2.F need	not be complete	ed or
		secures the cred plan or upon app terminated as to all respects. An	ts to surrender to itor's claim. The proval of any mod the collateral only allowed unsecute treated in Part 4	Debtor requests lified plan the stay and that the stay and that the stay and claim resulting	that upon confir ay under 11 U.S. ay under §1301 b	mation of this C. §362(a) be be terminated in
		Name of Credit	tor	Descrip	tion of Collater Surrendered	al to be
		Lien Avoidance liens. Check on	e. Do not use for e.	mortgages or fo	r statutory liens,	such as tax
		None. If "None" reproduced.	is checked, the re	est of §2.G need	not be complete	d or
		purchase money	res to avoid the followitatutory or conser	wing creditors pr	irsuant to §522(	
Nome	e of Lien	Holder				

Name of Lien Holder		

For	n Descrip judicial l rt docket m	ien, incl	ude			
	cription o	of the lie	ened			
Lie	ned Asset	Value				
Sun	n of Senio	or Liens				
Exe	mption C	Claimed				
Am	ount of L	ien				
Am	ount Avo	ided				
3.			CLAIM			
	A.	Admir	iistrativ	<u>ve Claims</u>		
		1.		e's Fees. Percentage fees payable to ed by the United States Trustee.	the Trustee will	be paid at the
		2.	Attorne	ey's Fees. Complete only one of the	e following optic	ons:
			a.	In addition to the retainer of \$1,000 the amount of \$4,000.00 in the plan balance of the presumptively reason 2016-2(c); or	n. This represen	ts the unpaid
			b.	\$ per hour, with the hourly accordance with the terms of the w Debtor and the attorney. Payment shall require a separate fee applicat approved by the Court pursuant to	ritten fee agreem of such lodestar ion with the con	nent between the compensation npensation
		3.		Other administrative claims not inc Check one of the following two lin		.1 or 3.A.2
			<u>X</u>	None. If "None" is checked, the recompleted or reproduced.	est of § 3.A.3 nee	ed not be

The following administrative claims will be paid in full.

Name of Creditor	Estimated Total Payment
Balance	

### B. Priority Claims (including, certain Domestic Support Obligations)

Allowed unsecured claims entitled to priority under § 1322(a) will be paid in full unless modified under §9.

Name of Creditor	Estimated Total Payment		
Internal Revenue Service	\$10,791.09		
PA Dept. of Revenue	\$8,820.68		

C.	<b>Domestic Support Obligation</b>	ns assigned to or owed to a governmental unit
	under 11 U.S.C. § (a)(1)(B).	Check one of the following two lines.

- X None. If "None" is checked, the rest of § 3.C need not be completed or reproduced.
- The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. § 1322 (a)(4)).

#### 4. UNSECURED CLAIMS

A.	Claims of Unsecured Nonpriority Creditors Specially Classified.						
	of the following two lines.						

_ ]	X	None.	If	"None"	is	checked,	the	rest	of §	4.A	need	not l	be co	mple	eted o	r
		reprod	uce	ed.										•		

To the extent that funds are available, the allowed amount of the following unsecured claims, such as co-signed unsecured debts, will be paid before other, unclassified, unsecured claims. The claim shall be paid interest at

the rate stated below. If no rate is stated, the interest rate set forth in the proof of claim shall apply.

Name of Creditor	Reason for Special Classification	Estimated Amount of Claim	Interest Rate	Estimated Total Payment

- B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.
- 5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES. Check one of the following two lines.
  - None. If "None" is checked, the rest of § 5 need not be completed or reproduced.
  - X The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the plan) or rejected:

Name of Other Party	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject
1 <sup>st</sup> Financial Investments	2012 Jeep Compass	\$250.00	NA	None	None	Assume
1st Financial Investments	2019 Jeep Grand Cherokee	\$480.00	Na	None	None	Assume

#### 6. VESTING OF PROPERTY OF THE ESTATE.

Property of the estate will vest in the Debtor upon

Check the applicable line:

X plan confirmation.

entry of discharge.

\_\_ closing of case.

7. DISCHARGE: (Check one)

- (X) The debtor will seek a discharge pursuant to § 1328(a).
- ( ) The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

#### 8. ORDER OF DISTRIBUTION:

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to an objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

Adequate Protection Payments
Debtor's Attorney Fees
Domestic Support Obligations
Secured Claims, Pro Rata
Priority Claims, pro rata
Specially classified unsecured claims
Timely filed general unsecured claims
Untimely filed general unsecured claims to which Debtor has not objected

If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

- Level 1: Adequate protection payments.
- Level 2: Debtor's attorney's fees.
- Level 3: Domestic Support Obligations.
- Level 4: Priority claims, pro rata.
- Level 5: Secured claims, pro rata.
- Level 6: Specially classified unsecured claims.
- Level 7: Timely filed general unsecured claims.
- Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

#### 9. NONSTANDARD PLAN PROVISIONS

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

The following is a summary of the creditors and amounts to be paid by the Trustee pursuant to this Plan:

Chapter 13 Trustee \$ 20,815.68 (est.)
Tullio DeLuca, Esq., \$ 4,000.00

Shellpoint \$ 2,620.45 (PAID)

Internal Revenue Service \$ 180,403.00 (allowed secured claims)

Internal Revenue Service
PA Dept. of Revenue
Unsecured Creditors - Pro rata basis
Total:

\$ 10,791.09 (Priority claim) \$ 8,820.68 (Priority claim) \$ 588.92 \$ 228,039.82

The Chapter 13 Trustee payment shall be made to the following address:

Jack N. Zaharopoulos Chapter 13 Trustee P.O. Box 6008 Memphis, TN 38101-6008

Dated: June 24, 2022

/s/Tullio DeLuca Attorney for Debtor

/s/Philip A. Goldstein
Philip A. Goldstein

/s/Sharon A. Goldstein
Sharon A. Goldstein

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in §9.

Desc

1st Financial Investments 116 North State St. Clarks Summit, PA 18411-1056 American Express Customer Service PO Box 981535 El Paso, TX 79998-1535

Barclays Card Services PO Box 8802 Wilmington, Delaware 19899-8802

Best Buy Credit Services PO Box 790441 St. Louis, Missouri 63179-0441 Bloomingdale's PO Box 8066 Mason, Ohio 45040-8066 Borough of Clarks Summit 304 S. State St. Clarks Summit, PA 18411-1543

Cerastes, LLC c/o Weinstein & Riley, PA 2001 Western Ave., Ste 400 Seattle, WA 98121-3132

Capital One PO Box 30285 Salt Lake City, Utah 84130-0285 Capital One Bank (USA), NA PO Box 71083 Charlotte, NC 28272-1083

Citibank South Dakota Box 6500 Sioux Falls, SD 57117-6500 Comenity Bank/Talbots Bankruptcy Department PO Box 182125 Columbus, OHIO 43218-2125

Jack N. Zaharopoulos (Trustee) 8125 Adams Dr., Ste A Hummelstown, PA 17036-8625

Ditech PO Box 6172 Rapid City, SD 57709-6172 Ditech Financial LLC 14841 Dallas Parkway, Ste 300 Dallas, TX 75254-7883 Ditech Financial LLC 3000 Bayport Drive, Suite 880 Tampa, FL 33607-8409

Ditech Financial LLC f/k/a Green Tree Servicing, LLC PO Box 6154 Rapid City, SD 57709-6154

Educational Credit Management Corp PO Box 16408 St. Paul, MN 55116-0408 Barbara Ann Fein Silverang Donohoe, Rosenzweig 595 E. Lancastr Ave. Ste 203 St Davids, PA 19087-5145

First Financial Investments 116 North State St Clarks Summit, PA 18411-1056 First Financial Investments 3091 Governors Lake Drive Suite 500 Peachtree Corners, GA 30071-1135 Alexandra Teresa Garcia McCabe, Weisbert & Conway, PC 123 South Broad St. Suite 1400 Philadelphia, PA 19109-1060

Mario John Hanyon Phelan Hallinan & Schmieg 1617 JFK Blvd, Ste 1400 Philadelphia, PA 19103-1814

Home Depot Credit Services PO Box 790328 St. Louis, Missouri 63179-0328 Internal Revenue Servivce Special Procedures Branch PO Box 7346 Philadelphia, PA 19101-7346

Valerie Michelle Johnson PNC Bank 6750 Miller Rd Brecksville, OH 44141-3239 LORD & TAYLOR CUSTOMER SERVICE 424 5<sup>TH</sup> AVENUE NEW YORK, NY 10018

Midland Credit Management PO Box 939069 San Diego, CA 92193-9069

Macy's Bankruptey Processing PO Box 8053 Mason, Phio 45040-8053 Metris Bank Atlantic Credit & Finance P.O. Box 13386 Roanoke, VA 24033-3386 Midland Credit Management, Inc as agent for MIDLAND FUNDING LLC PO Box 2011 Warren, MI 48090-2011

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Albert James Miller PA Dept of Revenue PO Box 281061 Harrisburg, PA 17128-1061 NCA PO Box 550 327 W. Fourth St. Hutchinson, Kansas 67501-4842

Nordstrom PO Box 6555 Englewood, CO 80155-6555

Nordstrom FSB co Jefferson Capital Systems LLC PO Box 7999 Saint Cloud, MN 56302-7999 PA Dept of Revenue Bankruptcy Division Dept 280946 Harrisburg, PA 17128-0496

PHEAA PO BOX 8147 HARRISBURG, PA 17105-8147

PNC Bank NA PO Box 94982 Cleveland, OH 44101-4982 PNC Bank Consumer Loan Center Mailstop P5-PCLA-02-R 2730 Liberty Ave Pittsburgh, PA 15222-4704

Portfolio Recovery Associates LLC PO Box 41067 Norfolk, VA 23541-1067

Quantum3 Group LLC as agent for Comenity Bank PO Box 788 Kirkland, WA 98093-0788 Joseph P Schalk Barley Snyder 126 East King St. Lancaster, PA17602-2893

Sears PO Box 6275 Sioux Falls, SD 57117-6275

Thomas Song Phelan Hallinan Diamond & Jones 1617 JFK Blvd, Ste 1400 Philadelphia, PA 19103-1814 Andrew L Spivack Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station 1617 JFK Blvd, Ste 1400 Philadelphia, PA 19103-1814

Stellar Recovery Inc. 1327 US Highway 2 West Ste 100 Kalispell, MT 59901-3413

Synchrony Bank c/o Recovery Management Systems Corp 25 SE 2<sup>nd</sup> Ave Suite 1120 Miami, Fl 33131-1605 Synchrony Bank/Dick's Sporting Goods Attn: Bankruptcy Dept. PO Box 965060 Orlando, FL 32896-5060 Synchrony Bank/Gap Attn: Bankruptcy Dept. PO Box 965060 Orlando, FL 32896-5060

Synchrony Bank/JC Penny Attn: Bankruptcy Dept. PO Box 965060 Orlando, FL 32896-5060 Synchrony Bank/Sam's Club Attn: Bankruptcy Dept. PO Box 965060 Orlando, FL 32896-5060 Synchrony Bank/Wal-Mart Attn: Bankruptcy Dept. PO Box 965060 Orlando, FL 32896-5060

Toyota Lease Trust c/o Toyota Motor Credit Corporation PO Box 9013 Addison, TX 75001-9013

US Dept of Education c/o Nelnet 121 S 13<sup>th</sup> St., Ste 201 Lincoln, NE 68508-1911

US Dept of Education Nelnet PO Box 82565 Lincoln, NE 68501-2565

USAA Federal Savings Bank 10750 McDermott Fwy San Antonio, TX 78288-1600 United States Trustee 228 Walnut Street, Ste 1190 Harrisburg, PA 17101-1722 eCast Settlement Corp. PO Box 29262 New York, NY 10087-9262

Desc